IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 25271 of 2000

Between:
Ch.Venkata Krishnaiah S/o late Sri Sambaiah, aged 59 years;
R/o 4-20-36, 4th Lane, Navbharat Nagar, Ring Road, Guntur-522006
..... PETITIONER

AND
1.Nagarjuna University, Nagarjunanagar-522510
Guntur district, rep. By its Registrar.
2.P Mastan Khan, Enquiry Commission, Retd. District Judge
Flat No.215, Allauddin Mansion, Begumpet, Hyderabad
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of "Mandamus" (i) declaring the proceedings of the 1st respondent University No.NU/Estt/NTS/E1/DR/RET/2000 dated 6-11-2000 in so far as the reserving their right to proceed with the Enquiry is illegal and arbitrary; (ii) declaring the notice issued by the 2nd respondent dated "nil" is null and void; (iii) and consequently direct the respondent-University to release all the retrial benefits to which the petitioner is entitled to together with interest from the date of retirement.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the RespondentNo.1: MR.T S Harinath, S.C. for

Nagarjuna University;

Counsel for the respondent No.2: None appeared

The Court Made the Following :

W.P.NO.25271 OF 2000

ORDER:

The petitioner retired as the Deputy Registrar of Nagarjuna University effectively on 31-7-1999. There were disputes about his date of birth as well as the age of superannuation with regard to the petitioner. In this writ petition, he assailed the proceeding of the Vice Chancellor of Nagarjuna University, dated 6-11-2000, which permits him to retire from University service with effect from 31-7-1999 without prejudice to the two enquiries ordered against him (1) on family planning increments and (2) on alteration of date of birth. Another un-dated proceedings issued by one Sri P Masthan Khan, who is said to have been appointed as Commissioner of Enquiry and has issued show cause notice to the petitioner asking him to send his written statement on the complaint made by one R. S.Deekshithulu, alleging that the petitioner mis-used his official capacity, while working in the University as Assistant Registrar (Establishment Section), as such tampered his (petitioner) date of birth, altering from 1938 to 1940, is also challenged in the writ petition.

In so far as the Vice Chancellor proceeding dated 6-11-2000 is concerned, it *per se* permits the retirement of the petitioner without

prejudice to the two enquiries ordered against the petitioner. As and when enquiries are initiated or continued against the petitioner, he could seek appropriate reliefs. He can not seek expunction on a mere observation in the letter of the Vice Chancellor dated 6-11-2000.

In so far as the un-dated notice issued by the Commission of enquiry, it is a mere show cause notice and the petitioner is at liberty to reply to the same and set out all his objections he has in respect of the jurisdiction of such commission of enquiry or proprietary, legality or desirability of initiating or continuing of the inquiry.

Very hesitantly, it is contended, placing reliance on the A.P. Revised Pension Rules, 1980, that no enquiry can be initiated after a person is retired. The petitioner has been unable to satisfy this court as to how the A.P. Revised Pension Rules 1980, which are applicable to the government servants, are applicable to the petitioner, who is, admittedly and administrately in the service of Nagarjuna University.

For the above reasons, there are no merits in this writ petition.

Accordingly, the writ petition is dismissed. No costs.

.ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.TheRegistrar, Nagarjuna University, Nagarjuna Nagar
Guntur;

2.2CD copies